

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JASPER RIVERA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 3:12-CV-1339

(Judge Kosik)

Order

AND NOW, THIS 2nd DAY OF OCTOBER, 2013, IT IS HEREBY ORDERED

THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated August 12, 2013 (Doc. 69) is **ADOPTED** in part and **DENIED** in part;

[2] The defendants' motion for summary judgment (Doc. 16) is **GRANTED** in part and **DENIED** in part;

[3] Defendant's motion for summary judgment is **GRANTED** as to plaintiff's claims that prison officials negligently placed plaintiff and assailant in the same recreation cage and failed to timely intervene after the assault began;

[4] Defendant's motion for summary judgment is **DENIED** as to plaintiff's remaining claim;

[5] Plaintiff's motion for sanctions (Doc. 49) is **DENIED**; and

[6] A pretrial conference in this case shall be set forthwith.

A handwritten signature in black ink, appearing to read 'Edwin M. Kosik', written above a horizontal line.

Edwin M. Kosik
United States District Judge